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10 Attorneys for Defendants
11 MYXER INC., MICHAEL "MYK" WILLIS,
SCOTT KINNEAR AND RON HARRIS

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ARISTA RECORDS, LLC, a Delaware
limited liability company, *et al.*

Case No. CV 08-03935 GAF (JCx)

17 Plaintiffs,

18 v.

19 MYXER INC., f/k/a mVISIBLE
20 TECHNOLOGIES, INC., *et al.*,

21 Defendants.

**JOINT STIPULATION OF
DISMISSAL OF ALL CLAIMS OF
PLAINTIFF UMG RECORDINGS,
INC. WITH PREJUDICE AS TO
MICHAEL "MYK" WILLIS, SCOTT
KINNEAR AND RON HARRIS AND
WITHOUT PREJUDICE AS TO
MYXER INC.**

FED. R. CIV. PRO. 41(a)

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JOINT STIPULATION OF DISMISSAL OF ALL CLAIMS OF UMG

NY:1270214.14

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1 **IT IS HEREBY STIPULATED AND AGREED**, by the undersigned
2 counsel for Plaintiff UMG Recordings, Inc. ("UMG") on the one hand, and the
3 undersigned counsel for Defendants Myxer Inc. f/k/a mVisible Technologies, Inc.,
4 Michael "Myk" Willis, Scott Kinnear and Ron Harris (collectively, the
5 "Defendants") on the other hand, that:

6 (1) UMG's claims against Myk Willis, Scott Kinnear and Ron Harris be
7 dismissed *with prejudice* pursuant to Fed.R.Civ.Pro. 41(a),
8 without costs or attorneys' fees to UMG and/or Defendants and with none
9 of UMG and/or Defendants as a prevailing party; and

10 (2) UMG's claims against Myxer Inc. be dismissed *without prejudice*
11 pursuant to Fed.R.Civ.Pro. 41(a) without costs or attorneys' fees to UMG
12 and/or Defendants and with neither UMG and/or Defendants as a
13 prevailing party. The parties further stipulate and request that the Court
14 retain jurisdiction for the limited purpose of allowing the parties to file a
15 subsequent stipulation effecting the dismissal of Myxer Inc. *with prejudice*
16 on or around ninety-one days following the date hereof, upon the
17 occurrence of certain contractual conditions between the parties that
18 require in part that Myxer Inc. provide to UMG written verification that no
19 insolvency proceeding that may give rise to a disgorgement repayment is
20 filed or otherwise initiated by or against Myxer during a specified period.
21 Until the filing of the subsequent stipulation, Myxer shall be dismissed
22 without prejudice.

23 Dated: August 4, 2011

24 **JEFFER, MANGELS, BUTLER &
MITCHELL LLP**
25 **JEFFREY D. GOLDMAN**

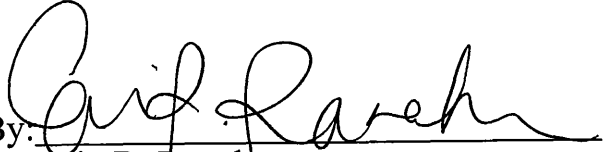
26 By: 
27 Jeffrey D. Goldman
28 Attorneys for Plaintiff

JOINT STIPULATION OF DISMISSAL OF ALL CLAIMS OF UMG

NY:1270214.14

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3 Dated: August 4, 2011
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WINSTON & STRAWN LLP
MICHAEL S. ELKIN
THOMAS P. LANE
ERIN R. RANAHAN

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8 By: 
Erin R. Ranahan
Attorneys for Defendants
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